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South Carolina House of Representatives

Legislative Update & Research Reports

Ramon Schwartz, Jr., Speaker of the House

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STATE DOCUMENTS

Volume 3

April 15, 1986

No. 14

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Legislative Update

Editorial Note

A suggestion from a reader of *Legislative Update* is being incorporated into this issue. One of the House Members has suggested that our summaries of bills would be improved by adding the name of the primary sponsor of the legislation, along with the bill number.

Legislative Update is glad to act on that suggestion. Any other suggestions that would make the *Update* more helpful to members of the House are welcome. Send along your ideas to:

Legislative Update
House Research Office
324 Blatt Building
Attention: Michael Witkoski, Editor

Legislation Introduced

Government Operations

"Near Beer" (H.3756, Rep. Mangum). This bill would define "beer" as being that beverage which has an alcohol content over one-half percent but below five percent. "Near beer" would be any beverage which has an alcohol content below one-half percent. "Near beer" would be treated as a soft drink for purposes of licensing and taxes.

Transient Retailers (H.3757, Rep. Mangum). Legislation that would, if passed, permit transient retailers--those in the state for thirty days or less--to purchase temporary retail licenses for \$50.00. The license must state the period of time it is good for.

Respiratory Care Regulation (H.3762, Medical, Military, Public and Municipal Affairs Committee). This bill would establish the S.C. Respiratory Care Committee within the Board of Medical Examiners. The committee would establish regulations for and grant licenses to qualified respiratory therapists. Applicants for certificates would have to prove good moral character and successful completion of the requirements established by the Commission of Allied Health Education and Accreditation for respiratory therapy.

There would be nine members on the committee. In addition to granting certificates the committee would also hear and decide on all disciplinary cases involving respiratory therapists and technicians.

"Whistle Blower" Protection (S.726, Sen. Ravenel). "Whistle blowing" is the name given to the practice when government employees reveal waste, fraud, corruption or other irregular practices by government. While whistle blowers sometimes reveal crimes and frequently save the public considerable amounts of tax money, they are not always highly regarded by their superiors. The result is that whistle blowers are often fired, demoted, or transferred to the branch office in Medicine Hat, Montana, or the local equivalent.

This bill would offer protection to state government employees who reveal fraud, abuse, gross negligence, mismanagement and so forth in South Carolina. The legislation covers employees of "public bodies," which includes all branches of the state, all subdivisions, such as counties, municipalities, school districts and special purpose districts; and all organizations funded in whole or part by public funds. Quasi-governmental bodies such as the Public Service Authority are also included.

Basically the legislation states that if a public body fires, demotes or otherwise punishes a "whistle blower" within one year of his or her coming forth with information, then the employee has grounds for a civil suit. The suit may be for reinstatement, damages, or both. The suit must be brought within two years of the alleged punishment.

In the suit the burden of proof will be on the public body to show that it did not act to punish the employee. The public body does have some recognized defenses, such as habitual tardiness or absence by the employee, intoxication on the job, and so forth.

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If the employee claims fraud, corruption etc. without cause, he or she may be fired. However, if the claims are true, the employee is entitled to 10% of any money saved because of the revelation, up to a total of \$5,000.

Highways & Byways

Motorcycles, Mopeds and Motor Vehicle Taxes (H.3758, Rep. Mangum). Motorcycles and mopeds would have to be assessed at their fair market value when the tax on the vehicles is considered. Another, related bill--not yet introduced--is reported to place a 200 percent nuisance-added tax on mopeds.

Speed Limit, Hazardous and Radioactive Waste Haulers (H.3760, Rep. Simpson). Vehicles carrying either hazardous or radioactive wastes would be forbidden to travel over 45 miles per hour when passing through South Carolina. In addition, the vehicles would have to carry red flags, two feet by two feet, on either side, clearly identifying them as carriers of these wastes.

Violations would result in a fine or \$1,000 and/or 60 days.

Public Transportation Passenger Rights (S.1109, Transportation Committee). This bill would provide protection of the the rights of passengers on public transporation, such as buses--including charter buses. Under the terms of this bill it would be illegal to do the following while riding on public transportation:

- Throw trash around;
- Play a radio, cassette, tape player or "similar device" unless it has an earphone that limits the sound to the user;
- Bring weapons, explosives or animals on the bus--with the exception of seeing eye dogs, "small animals properly packaged" or animals/weapons used by law officers;
- Bother the driver or interfere with operation of the vehicle;
- Board the vehicle from the rear exit door (unless directed by driver or agent);
- Use profane or obscene language or act in an obscene fashion;
- Board the vehicle drunk.

The driver of the vehicle has the right to refuse transportation to any person acting in one or more of the above fashions. Persons who violate this bill could be imprisoned up to thirty days or fined up to \$200 for the first offense.

"Proper packaging" of small animals does not seem to be specifically addressed either in this bill or in the South Carolina Code. The Code does provide, however, that one form of cruelty to animals consists of transporting them "in or upon any vehicle or otherwise in an unnecessarily cruel or inhuman manner...." (47-1-50).

The Elderly

Commission on Aging (S.771, Sen. Doar). This measure would effect changes in the composition of the Commission of Aging.

At present two members are selected by the Governor from each Congressional District; the bill would change that to one per district, selected by the Governor with the advice and consent of the Senate. The chairman of the commission is currently chosen by the Governor; this would alter that to have the chair elected by the commission members.

The commission is now required to meet at least once each quarter; this bill would mandate at least six meetings a year, unless the commission votes to dispense with at maximum of two meetings.

Crime and Safety

Registration of Violent Criminals (H.3769, Rep. Limehouse). If this bill is passed into law, violent criminals would have to register with the sheriff of the county where they live. If they move from one county into another, they would have to register in their new place of residence. Persons from outside the state convicted of violent crimes would have to register when they moved into South Carolina. Registration would have to be done within thirty days of the move.

To register, the convicted persons would have to be fingerprinted and photographed, give a list of their crime(s), their place of conviction and the sentence given to them. They would also have to give their name, any aliases, their address and their occupation.

Violent crimes consist of: murder, first and second degree criminal sexual assault, assault and battery with intent to kill, kidnapping, voluntary manslaughter, armed robbery, serious drug trafficking, first degree arson, and first and second degree burglary.

Burglar Alarm Businesses (S.433, Sen. Theodore). This bill would establish regulations for the burglar alarm businesses in South Carolina—installation, servicing, and responding. Persons or businesses who merely sell burglar alarms would not be affected.

The Burglar Alarm System Businesses Regulatory Board would be created, consisting of five members appointed by the Governor with the traditional advice and consent of the Senate. Two members of the board would have to be licensed burglar alarm system dealers. Board members would serve four-year terms; no member could serve more than eight continuous years.

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The board would write regulations, determine qualifications and educational requirements for burglar alarm dealers, grant and revoke licenses. The board would also investigate the backgrounds of applicants to make sure they meet the requirements of this law. The board would have subpoena powers.

Burglar alarm operators would have to satisfy the requirements of the license—including an examination if requested by the board—post bond, and have proof of sufficient liability insurance. They would also have to provide sets of fingerprints of all employees.

Commercial Fisheries: Preliminary 1985 Figures

The latest issue of *South Carolina Commercial Fisheries* brings the preliminary figures for fish, shrimp, crab and oysters and clams landed in South Carolina during 1985.

The most valuable seafood per pound was shrimp, at an average of \$4.72 per pound during 1985. Then came: clams (\$3.42/pound); swordfish (\$3.18/pound); snappers (\$1.72/pound); groupers (\$1.56/pound); and dolphin (\$1.23/pound).

The top fifteen species in terms of dockside value and poundage taken are listed below. As the figures indicate, seafood remains one of South Carolina's most important sources of income.

<u>Species</u>	<u>Dockside Value</u>			<u>Poundage</u>		
	<u>Rank</u>	<u>\$1,000</u>	<u>% Total</u>	<u>Rank</u>	<u>1,000 lb.</u>	<u>% Total</u>
Shrimp	1	6,300	46	2	3,336	26
Swordfish	2	1,493	11	5	470	4
Oysters	3	1,382	10	3	1,393	11
Crabs	4	1,379	10	1	4,514	35
Groupers	5	736	5	4	471	4
Clams	6	609	4	12	178	1
Snappers	7	399	3	9	231	2
Tilefish	8	225	2	10	212	2
Shad	9	200	1	8	371	3
Porgys	10	200	1	11	208	2
Mullet	11	165	1	7	386	3
Seabass	12	152	1	13	167	1
Herring	13	85	1*	6	391	3
King Mackerel	14	84	1*	15	83	1*
Spot	15	81	1*	14	145	1

* Less than 1%

Public Colleges in the Southeast:
Tuition and Fees

No doubt about it: the cost of higher education continues to rise. The increased costs are felt the most in private institutions, but even public colleges and universities have been forced to increase tuition and fees during recent years.

Just how much have those costs gone up recently? How does South Carolina stand in relation to the other states in this region? These are the sort of questions which legislators might want answered, and the latest figures from the Southern Regional Education Board (SREB) provide some information.

The SREB notes that for 1986-87 the tuition and fee increases in our region "are again likely to be double the national rate of inflation." On the bright side, however, "in percentage terms, many of the increases may be smaller than the double-digit ones in recent years."

There are many reasons for the increases. Inflation, though slowed now, wreaked havoc on many college and university budgets, and the damage is still being repaired. Cuts in federal aid, both to institutions and individuals, have been felt especially heavily in the Southeast. Some states included in the "Southern Region" have lost oil revenues which kept tuition and fees low: Oklahoma, Louisiana and Texas, for example.

Finally, the colleges and universities in the Southeast have generally had lower-than-average fees compared to schools in the rest of the nation. Upgrading of our higher academic institutions, greater enrollment and higher per capita income have all combined to cause increases in college costs.

Most of the following information is abstracted from the March, 1986 bulletin of the Southern Regional Education Board. In their bulletin, the SREB goes into considerably more detail about individual colleges and universities within the states of the South; *Legislative Update* is concentrating only a major, selected schools within the Southeastern states--those nearest to South Carolina in terms of both geography and economics. In order to put some perspective on these figures, *Legislative Update* has added the per capita income for the states.

House members who wish fuller information on this subject might want to contact the Southern Regional Education Board, at 1340 Spring Street, N.W., Atlanta, GA 30309.

Undergraduate Tuition and Fees:
Fall 1985 and Percentage Increase over Fall 1984

State/Per Capita Income School	RESIDENT		NONRESIDENT	
	\$ 1985	% Increase over 1984	\$ 1985	% Increase over 1984
Alabama (\$9,981)				
Auburn	1,095	1	2,505	1
U. of Alabama, Tuscaloosa	1,254	4	2,690	4
Jacksonville State	800	0	1,050	0
Arkansas (\$9,724)				
Arkansas State U.	790	0	1,780	3
U. of Arkansas	900	0	2,160	0
U. of Central Arkansas	900	14	1,770	12
Florida (\$12,553)				
State University System	775	4	2,775	3
Georgia (\$11,441)				
Armstrong State College	1,110	11	3,030	12
Augusta College	1,095	13	3,015	13
Ga. Institute of Technology	1,587	12	4,692	12
Ga. Southern College	1,242	13	3,162	13
Ga. State U.	1,320	11	4,380	15
U. of Georgia	1,554	10	4,380	12
Kentucky (\$10,374)				
Eastern Kentucky U.	944	5	2,724	6
Northern Kentucky U.	944	6	2,714	6
U. of Kentucky	1,228	9	3,518	10
U. of Louisville	1,244	10	3,534	10
Western Kentucky U.	954	6	2,724	6
Louisiana (\$10,850)				
LSU	1,274	31	3,274	32
Northwestern State U./La.	1,086	25	1,966	27
Southeastern La. U.	1,088	24	1,968	26
Maryland (\$13,994)				
U. of Maryland, College Park	1,496	6	4,202	6
U. of Maryland, Baltimore	1,518	5	4,224	6
Mississippi (\$8,857)				
Alcorn State. U.	1,150	18	2,332	14
Jackson State U.	1,172	9	2,354	10
Mississippi State U.	1,492	10	2,568	6
U. of Mississippi	1,517	8	2,699	9

Undergraduate Tuition and Fees
Fall 1985 and Percentage Increase over Fall 1984

State/Per Capita Income School	RESIDENT		NONRESIDENT	
	\$ 1985	% Increase over 1984	\$ 1985	% Increase over 1984
North Carolina (\$10,754)				
East Carolina U.	764	2	3,160	9
N.C. State	810	2	3,730	9
U.N.C. (Chapel Hill)	773	0	3,393	0
South Carolina (\$10,075)				
The Citadel	1,783	9	3,881	7
Clemson U.	1,682	2	3,910	9
Francis Marion College	1,020	0	2,040	0
Lander College	1,270	0	1,870	0
U.S.C. (Aiken, Coastal, and Spartanburg)	1,200	20	2,540	19
U.S.C. (Columbia)	1,608	12	3,288	11
Winthrop College	1,380	8	2,278	5
Tennessee (\$10,400)				
Middle Tennessee State U.	922	9	3,070	9
U. of Tennessee (Knoxville)	1,013	1	3,167	7
Virginia (\$13,067)				
William and Mary	2,290	15	6,168	14
Old Dominion U.	1,678	12	3,118	11
U. of Virginia	2,036	12	4,886	13
Virginia Commonwealth U.	1,798	19	4,088	20
Va. Polytechnic/State U.	2,019	11	4,029	11

The Private Prison Situation

Across the nation, the prison over-crowding situation continues to worsen, with many states facing possible court-imposed settlements. There are a number of potential solutions: alternative forms of punishment, revised sentencing guidelines, and, private operations of correctional facilities.

How well do private prisons work? Are other states finding them boons—or bothers? What's the latest word on the private prison situation?

Private Prisons Topic at NGA Meeting

At the recent meeting of the National Governors' Association, several participants spoke out on the issue. Lamar Alexander of Tennessee said that his proposal to allow pilot operation of two prisons in his state will probably be approved by the legislature this year.

Considering commercial correctional operations, but not as firmly committed, Governor John H. Sununu of New Hampshire said he and his colleagues had "to look at all alternatives, including privatization." Sununu said medium security prisons would be "perhaps a good place to start."

Governor Evans of Idaho expressed qualified support for the concept, saying that a key question was protection of the civil rights of inmates.

ABA Calls For Study

The rights of inmates was one the issues concerning the American Bar Association when it recently passed a resolution calling for a moratorium on all private prisons until the "complex constitutional, statutory and contractual issues are resolved."

Bar members expressed concerns about turning over a long-standing governmental function—corrections—to private enterprise. Traditionally, correctional activities have been one of the essential powers and duties of the state; indeed, many students see these duties as one of the reasons to have a government in the first place. Those who have this view have serious reservations about turning the "ultimate sanction of government" over to companies out to make a profit.

In addition, there is concern about the care and rights of inmates. Will private companies attempt to "cut corners" in their provision of living space, food and medical care, and other services? Will private guards and other personnel meet the standards currently required of government workers? And—perhaps most worrisome—could an injured or abused prisoner bring suit against the state?

N.C. To Make Private Prisons Part of Plan

North Carolina is also suffering from a prison overcrowding situation, and Governor James Martin has released information about a ten-year plan to correct the situation. The plan calls for construction of new prisons, alternative sentencing programs, and use of private prisons.

Under the private prison aspect, 700 of the 3,292 additional spaces needed would be provided by non-government operators. Three prisons would be built and operated by private companies, and Governor Martin says that the situation would be "an experimental basis."

But—Trouble in Arizona...

There will be no such private prisons in Arizona—at least not for a while. Governor Bruce Babbitt has vetoed a bill to permit the state Department of Corrections to contract with private companies to run adult prisons. This is the second time in two years that Babbitt has cancelled such legislation.

Governor Babbitt said that he would have been inclined to support a "limited test" of the concept, but was not ready to endorse the measure completely. He also noted he was concerned that state employees might lose their jobs to private-operated prisons. Another key point: any privatization bill should include language making the state immune from liability claims arising from prison operation.

...and in Pennsylvania

Meanwhile, in Pennsylvania, lawmakers found that their private prisons were taking in unwanted guests—from out of state. The move surprised and angered Keystone State officials, who moved quickly to cut off the flow—only to land in court facing accusation of interfering with interstate commerce.

Two private prisons have been in operation in Pennsylvania for some time, but recently one of them agreed to accept 55 inmates from the District of Columbia. It seems that D.C. was under court order to reduce its jail population and thought the Pennsylvania pen was the most convenient location.

When Pennsylvania heard about the move, its Attorney General ordered the prisoners back to D.C., saying the Pennsylvania prison did not have adequate security; a Commonwealth Court judge agreed, despite arguments that the blockade interfered with "interstate commerce."

Meanwhile, the legislature rapidly passed a bill that banned out-of-state prisoners from private jails in Pennsylvania, and put a moratorium on new private prisons going into operation. The Governor said the law was needed to "make it clear that our correctional facilities, whether public or private, have to be under the supervision of state government."

Adventures in the S.C. Code

Swindling 16-13-320

"Swindling" is defined as any action undertaken to: (a) inveigle or entice by any arts or devices any person to play at cards, dice or any other game of chance ... (b) sell, barter or expose to sale any kind of property which has been before sold... (c) overreach, cheat, or defraud by any other cunning, swindling arts and devices, so that the ignorant and unwary, who are deluded thereby, lose their money or other property..."

The Case Note section reveals that "Selling a blind horse as a sound horse is not indictable under this section."

Betting on elections 16-19-90

It is illegal to bet on any election held in South Carolina. The penalty for this misdemeanor is a fine of not more than \$500 and imprisonment for not more than a month.

Impressing seamen 54-9-80

"Any attempt by fraud or force to ship, against his will, any person as a seaman on board any vessel in any port in this State is hereby declared a misdemeanor..."

"No Smoking" Laws: Bans on Public Smoking

Background

Warning: cigarettes can endanger your health in ways the surgeon general never dreamed of. Consider a sign of the times: In an East Hampton, (NY) movie theatre, a woman lights up a cigarette--thereby disturbing the man in the next seat, who grabs for the cigarette. The woman calls in the police and has him arrested for harassment. The verdict: not guilty.

Nearly twenty years ago the first surgeon general's report on smoking warned that cigarettes could harm the health of people who used them. The result was a generation of quitters, would-be quitters and failed quitters. After a decade of rapid decline, America's smoking population seems to be on the rise again. A 1983 Gallup poll showed that 38% of American adults now smoke, up from 35% two years ago. But now smoking is under attack by people who don't smoke.

Legislation has been introduced into the S.C. General Assembly which would guarantee the rights of the non-smoker (S.545, H.1303). The bills would ban smoking in all indoor public areas except where specifically designated.

Health Findings Concerning Non-smokers

Smokers have always argued that if they hurt anyone, it is themselves. But that argument was dealt a blow in 1984 by Surgeon General C. Everett Koop. For the first time he officially linked lung disease in non-smokers to exposure to tobacco smoke. As an example, he cited respiratory problems among children of smokers.

Before Koop's findings, other doctors had found links between health problems and inhaling others' smoke. Dr Wilbert Aronow of the Creighton University School of Medicine in Omaha showed that angina sufferers develop chest pains when exercising in poorly ventilated smoke-filled rooms much more quickly than do patients working out in smoke-free conditions. More convincingly, Dr. Herman Froeb of the University of California, San Diego found that non-smokers exposed to secondhand smoke from their co-workers for 20 years or more had the same degree of respiratory impairment that a doctor would expect to find in a "light" smoker of 11 cigarettes a day. "For the first time, we have a quantitative measurement of a physical change, a fact

that may tip the scales in favor of non-smokers," said Dr. Claude Lenfant of the National Institutes of Health, in a June 1983 *Newsweek* article. In a recent article in *The News and Courier*, Dr. Dan Love, secretary of the South Carolina Thoracic Society, said evidence is increasing that second-hand smoking "causes significant risks to those folks exposed." He also said that exposure to cigarette smoke may increase the risk of non-smokers getting respiratory problems such as asthma, acute bronchitis and even lung cancer.

The Tobacco Institute, the main industry ally, plays down the effect of Koop's words and other findings on their billions-of-dollars-a-year industry. It also stresses that the report lacks hard and fast conclusions.

What are the States Doing?

According to the American Lung Association thirty-four states have enacted laws limiting smoking in some circumstances, compared to five in 1971. In addition to the states, at least one-fifth of all U.S. firms now post some restrictions on smoking, according to the Washington, D.C. organization Action on Smoking and Health (ASH).

A major campaign against cigarettes was waged in California in the late 1970s and early 1980s. In 1977 the tobacco industry spent more than \$6 million to help defeat a state wide referendum to restrict public smoking. As a matter of fact, the Tobacco Institute stresses that state legislators, not voters, have passed the laws restricting public smoking. Voters have defeated seven state ballot initiatives that sought to restrict smoking in public areas.

Since that setback in California in 1977, the anti-smokers began to concentrate on local government. The result: over 20 California communities passed restrictions on smoking. Included in this is the San Francisco ordinance which went into effect March 1, 1984. The San Francisco ordinance requires all private employers to provide "reasonable accommodations" for both smokers and non-smokers. But if a single non-smoking employee objects to the arrangements, the company must ban smoking in his or her area or face a possible \$500-a-day fine. In addition to San Francisco, smoking is illegal in most public places in Berkeley, where no-smoking signs outnumber stop signs 10 to 1 (according to *Newsweek*). In San Diego, one law requires all restaurants seating more than 20 to provide smokeless zones.

Minnesota leads the nation in smoking controls. The state passed a Clean Indoor Air Act in 1975 which prohibited smoking in banks, stores, offices and almost any other public place except where expressly permitted. Penalties range from warnings to \$100 fines. The penalty for giving a cigarette to a minor is harsher than that for giving him a joint, according to *Newsweek*.

Minnesota's law is largely self-policing. Fans actually applaud the non-smoking announcements at the beginning of sports events at Hubert H. Humphrey Metrodome. Lois Gertz, of the Minnesota Health Department, said that, "The Act is widely accepted. Most people want to make it (the law) tougher. The feeling is that smoking is a privilege and not a right. Seventy percent of our population does not smoke, people would like to see non-smoking sections reflect that percentage."

The Minnesota bill was revised in 1982 to make the Department of Health the office which handles complaints and enforces the law. Currently smoking prevention legislation has been proposed which would include a health education program in the state.

Who is Against Smoking Bans?

Obviously the tobacco industry is strongly against the banning of smoking in public areas. They have survived despite a tide of anti-smoking publicity from groups such as the American Cancer Society and the American Lung Association, periodic suppressions--13 states instituted some form of prohibition during the early 1900s--the ban on cigarette ads in broadcasting, and the proclamation of King James I that tobacco was "loathsome to the eye, and hateful to the nose." Their survival has cost them billions of dollars in the form of lobbying.

State and local governments are also not entirely supportive of the efforts to place bans on cigarettes. Nearly one-third of the almost \$23 billion Americans spent on 624 billion cigarettes in 1982 went into the tax coffers of federal, state and local governments. In addition, there are problems of enforcement costs, the intrusion of government into the lives of individuals, and possible legal actions (see below).

Tobacco draws its deepest support from the fields of North Carolina, Kentucky, South Carolina and 20 other states, where the "golden leaf" helps support nearly 500,000 farmers and supplies about 2 million jobs. These farmers and the tobacco industry form a strong part of the economic structure in many states; some areas are heavily dependent upon the tobacco crop, and are accordingly very sensitive to actions which could affect sales. The point is also made that other products are not singled out for attack the same as tobacco, yet anything done in excess is bad for you.

Tobacco and the S.C. Economy

That tobacco is important to the state's economy is undoubted. A review of the table at the end of this section confirms the fact.

However, supporters of "clean air" laws claim that such legislation will not adversely affect the farming/marketing aspect of tobacco growers. It would be impossible, they say, for such limited laws to seriously decrease the amount of tobacco sold in the state.

Opponents of the laws, on the other hand, point to them as just another in a long series of attacks on the tobacco industry—an industry that provides jobs and incomes for thousands of persons in South Carolina.

Tobacco Production in S.C.
[Source: S.C. Statistical Abstract]

<u>County</u>	<u>Production</u>
Bamberg	64,000
Berkeley	621,000
Chesterfield	846,000
Clarendon	5,804,000
Colleton	844,000
Darlington	8,265,000
Dillon	10,454,000
Dorchester	1,059,000
Florence	19,864,000
Georgetown	2,673,000
Horry	32,858,000
Kershaw	140,000
Lee	1,547,000
Marion	10,568,000
Marlboro	1,450,000
Orangeburg	243,000
Sumter	2,266,000
Williamsburg	13,247,000
STATE TOTAL PRODUCTION	112,860,000
STATE TOTAL VALUE	\$204,164,000
State Total Value Soybeans *	\$184,041,000

*The single crop closest to tobacco in total value of production.

Smoking Goes to Court

When laws do not cover the smoking problem, and rules cannot be worked out in a friendly way, non-smokers are taking legal action. Courts in Missouri, California and New Jersey have sided with non-smokers, ruling that those who are sensitive should be provided with either a smoke-free environment or disability payments.

On the other hand, the District of Columbia Court of Appeals held in 1983 that employers have no obligation to satisfy the demands of non-smokers.

The South Carolina Situation

This is not the first time a bill has been introduced in South Carolina that would limit the rights of smokers. A similar bill to ban smoking in public areas was tabled by the Senate in 1978 by a 21-20 vote.

The current legislation defines a public place as "any enclosed indoor area, including elevators and public transportation vehicles, used by the public." This would include restaurants, bars and even the State House chambers, according to the *Charleston News and Courier*. The law would carry a minimum fine of \$25 and a maximum of \$100. Building owners would have to provide ventilation systems for designated smoking areas

According to a study done by the state Department of Health and Environmental Control, between 73% and 77% of South Carolina's population are non-smokers.

Conclusion

There do not appear to be any clear cut answers as to what is right and what is wrong in this issue. On one side of the coin we are faced with endangering the health of people through no fault of their own. On the other side, despite powerful medical conclusions, such laws may violate the rights of a significant minority by restricting their actions.

